

Porsha Summerville

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2
3 UNITED STATES DISTRICT COURT
4 SOUTHERN DISTRICT OF NEW YORK

5 -----
6 GMA ACCESSORIES INC.,

7 Plaintiff,

8 against Civil Action No.:

9 07CV3219 (LTS)

10
11 CHARLOTTE SOLNICKI, CHARLOTTE B, LLC, EMINENT,
12 INC., SAKS FIFTH AVENUE, INC., INTERMIX, INC.,
13 WINK NYC INC., LISA KLINE, INC., GIRLSHOP,
14 INC., SHOWROOM SEVEN STUDIOS, INC., ELECTRIC
15 WONDERLAND, INC., SHOWROOM SEVEN INT'L,
16 SHOWROOM SEVEN, JONATHAN SINGER, GOSI
17 ENTERPRISES, LTD., TIERNEY DIRECT, LLC, and
18 JONATHAN SOLNICKI,

19 Defendants.
20 -----

21 DEPOSITION OF PORSHA SUMMERVILLE

22 Friday, May 23, 2008

23 10:45 a.m.

24 Reported by:

25 Mary Goff, Professional Reporter

JOB NO. 203325AMG

1 Summerville

2 meetings and what locations? Just give me the
3 top five.

4 A Showroom Seven, trade show. That's
5 it.

6 Q How many meetings at Showroom Seven?

7 A I can't count.

8 Q When was the last meeting you had
9 with her at Showroom Seven?

10 A I don't remember. It's been
11 awhile.

12 Q Who was the last individual out of
13 those three that you met with?

14 A The last individual I saw? I saw
15 Jessica and Melina a couple of weeks ago at a
16 trade show. They were showing with another
17 showroom.

18 Q Which one?

19 A I don't know.

20 Q How do you know they were showing
21 with another showroom?

22 A Because their name was in the book,
23 and I saw them in the lunchroom.

24 Q What was the name of the organizer
25 of the show?

1 Summerville

2 A The Coteri show. It was at Pier

3 92.

4 Q And when was that?

5 A A few weeks ago. Maybe three.

6 Q And do you know who runs the Coteri

7 show?

8 A No.

9 Q Do you still have the book?

10 A No.

11 Q Did you talk to them in the

12 lunchroom?

13 A I said, Hello.

14 Q Anything else you said besides the

15 word "hello"?

16 A "How are you doing?"

17 Q Okay. Now, you are oath. And you

18 said, Hello. How are you? And that was the

19 extent of the words that you exchanged with

20 those two individuals; is that your testimony?

21 A Well, actually, I only saw Melina

22 in the lunchroom. I saw Jessica leaving the

23 show, like, three days later.

24 Q All right. So you didn't even speak

25 to Jessica?

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2 vendor?

3 A I have no idea. It could be a
4 typo.

5 Q It could be a typo, right? Here's a
6 few more. This whole group, 759, 765, they
7 also have 225 West 35th Street for Charlotte.

8 A Okay.

9 Q Do you see that? Do you think they
10 all might be typos?

11 A Possibly.

12 Q All right. Now, do you know if
13 these goods were, in fact, shipped on November
14 30, as some of these orders seem to indicate
15 what is going to happen, November 30, 2007?

16 A Do I know that they were shipped;
17 is that the question?

18 Q Yes, ma'am.

19 A I'm not sure if they were shipped.

20 Q Well, how would you find that out?

21 A Well, I could call to confirm or I
22 could request a shipping -- shipping
23 confirmation or a tracking number or an
24 invoice.

25 Q Did you turn over all the E-mails

1 Summerville
2 that you had with these people, the E-mail
3 communications you have had with Melina
4 Solnicki, Jonathan Solnicki, or any of the --
5 the Charlotte people to your attorney,
6 Mr. Kamal?

7 A Did I personally turn them over?

8 Q Yes.

9 A I personally did not turn them
10 over.

11 Q Did you believe that you were
12 directed to do that?

13 A Would I believe I was directed to
14 do that? I don't know. I was never directed
15 to do that. But as you know, my E-mail is
16 owned by my company. So therefore, I'm sure
17 my company may have or could have --

18 Q Have you deleted --

19 A -- that's a possibility.

20 Q -- have you deleted of them?

21 A No.

22 Q Have you spoken to Jonathan
23 Solnicki, Melina Solnicki, or anyone else from
24 the Charlotte Solnicki group about this
25 lawsuit?

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2 Do you receive a lot of E-mails from
3 customers, Ms. Summerville?

4 A Yes.

5 Q And do they ever place orders with
6 you for Charlotte goods via E-mail?

7 A I don't quite remember. Probably.
8 I'm sure there were a few.

9 Q Just a few?

10 A I don't remember.

11 Q So it's possible you got hundreds of
12 E-mails from customers over the years talking
13 to you about Charlotte, placing Charlotte
14 orders, asking for returns, credits, all kinds
15 of things; is that not true?

16 A Yes.

17 Q Now, here's one such order -- or I'm
18 sorry -- one such E-mail, 1454. What's going
19 on there, Ms. Summerville?

20 A It looks like I sent her links for
21 three designers, and she E-mailed over her
22 credit card information.

23 Q For the purchase of Charlotte goods?

24 A Not necessarily.

25 Q I see. Okay. Thank you. Now,

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2 E-mails.

3 Q I'm going to show you a document
4 marked SS1458. Is this an E-mail dated
5 February 2, 2007 from Mike Bibulich to you?

6 A Yes.

7 Q And what is going on there? What
8 does Mike Bibulich want from you?

9 A Should I read the E-mail or --

10 Q All right. Why don't we do this --
11 is he with any particular company, Mike
12 Bibulich, or is he just an individual writing
13 to you?

14 A Michael works at Charlotte
15 Solnicki.

16 Q Oh. And now, is he writing to you
17 from New York City?

18 A I don't know where he was when he
19 wrote this.

20 Q How many times have you gotten
21 E-mails from this individual?

22 A Quite often.

23 Q And have you spoken to him on the
24 phone as well?

25 A Yes.

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2 do it?

3 A Oh, your question was earlier --
4 you asked me how did I give them the orders.
5 And I said I would them via fax directly to
6 Charlotte Solnicki in Argentina.

7 Q With respect to the orders?

8 A Yes.

9 Q Any other way that you transmit
10 anything at all -- not just orders, but
11 anything at all -- to them? Have you ever
12 E-mailed them things?

13 A Yes.

14 Q Have you ever sent them things by
15 Fed-Ex?

16 A Not that I remember.

17 Q But it's possible?

18 A Maybe.

19 Q Have you ever sent them things by
20 mail?

21 A No, not that I remember. Possibly.
22 I don't remember.

23 Q Now, the boxes I examined contained
24 dividers in them like this, SS1725, Charlotte,
25 and then a letter -- a letter, I guess. This

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2 that for a second. I want to direct you --
3 you to a portion. Do you see this is an
4 E-mail to you from Sarah at Platform which, I
5 guess, as you testified, is affiliated with
6 Wink. And they're -- they're asking you in
7 capital letters, I need the RA. And it seems
8 like -- they say here, Georgina will not apply
9 the credit to an open PO until she gets the RA
10 from you. Do you see that? Do you see that,
11 Ms. Summerville?

12 A I do see it, yes.

13 Q Thank you. You didn't realize you
14 were such an important person, did you?

15 A Who knew?

16 Q Now, do you recall receiving this
17 E-mail?

18 A No. As I stated earlier, I -- I
19 receive thousands of E-mails, so I don't
20 really remember the E-mail. But --

21 Q All right.

22 A -- obviously I responded, so --

23 Q During the period that you were
24 working at Showroom Seven, if someone was
25 interested in Charlotte Solnicki merchandise

1 Summerville

2 and they showed up at the showroom, would --
3 they be referred to you?

4 A Ah, yes.

5 Q Do you remember meeting with two
6 women several months ago regarding Charlotte
7 Solnicki merchandise, one of which handed you
8 a subpoena for this deposition?

9 A She didn't meet with me regarding
10 Charlotte. She met with me for an overview
11 of the showroom. But yes, I remember those
12 two women that gave me the subpoena.

13 Q Were they nice women?

14 A They were okay. They were -- they
15 could have been more on their toes a little
16 bit, but it was clever.

17 Q Really? They were a little sloppy
18 in their work?

19 A Yeah. They could have did their
20 research a little more. But I mean --

21 Q What could they --

22 A -- it was clever. It was cute. It
23 was surprising.

24 Q To have a subpoena execution team
25 consisting of two women, you mean?

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2 responsible fashion. So that's something we
3 don't have to call the court for right now. I
4 don't think it's exigent, unless, of course,
5 you leave Showroom Seven tomorrow and by the
6 time the court orders you to produce your
7 number, you have vanished into the sunset. I
8 hope that doesn't happen. And if that does,
9 Mr. Kamal would have been successful in
10 preventing the exchange of that number.

11 Q (BY MR. BOSTANY) Where are you from
12 originally?

13 A Philadelphia.

14 Q Family still down there?

15 A Yes.

16 Q Same last name, Summerville?

17 A Ah, some of them, yes.

18 Q What we're going to have to do,
19 since there's a lot of stuff here that we're
20 going to need to go through is adjourn pending
21 the receipt of those E-mails. Because as you
22 can see, the first subpoena signed by Judge
23 Keenan ordered the exchange of documents
24 concerning communications. I now know there
25 were quite a few E-mails, and I think that I

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2 would like to talk to the witness about them.

3 So --

4 MR. KAMAL: So you need her to be
5 reproduced?

6 MR. BOSTANY: Yes. Let's get the
7 E-mails first. I can't think. I guess that's
8 it for now. Thank you.

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